

## 1 HOUSE BILL NO. 627

2 INTRODUCED BY S. KERNS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE-WIDE TYPE-3 ALL-HAZARD INCIDENT  
5 MANAGEMENT TEAM FOR NONFIRE EMERGENCIES; REVISING THE FUNDING PRIORITIES OF THE  
6 STATE EMERGENCY RESPONSE COMMISSION; PROVIDING A DEFINITION; PROVIDING AN  
7 APPROPRIATION; AND AMENDING SECTIONS 10-3-103, 10-3-1204, AND 10-3-1207, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 10-3-103, MCA, is amended to read:12 **"10-3-103. Definitions.** As used in parts 1 through 4 of this chapter, the following definitions apply:

13 (1) "All-hazard incident management assistance team" means a team that includes any combination  
14 of personnel representing local, state, or tribal entities that has been established by the state emergency  
15 response commission provided for in 10-3-1204 for the purpose of local incident management intended to  
16 mitigate the impacts of an incident prior to a disaster or emergency declaration.

17 (2) "Civil defense" means the nuclear preparedness functions and responsibilities of disaster and  
18 emergency services.

19 (3) "Department" means the department of military affairs.

20 (4) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or  
21 loss of life or property resulting from any natural or artificial cause, including tornadoes, windstorms,  
22 snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic  
23 action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage,  
24 blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services,  
25 accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or  
26 incidents involving weapons of mass destruction.

27 (5) "Disaster and emergency services" means the preparation for and the carrying out of disaster and  
28 emergency functions and responsibilities, other than those for which military forces or other state or federal

1 agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and damage  
2 resulting from emergencies or disasters.

3 (6) "Disaster medicine" means the provision of patient care by a health care provider during a disaster  
4 or emergency when the number of patients exceeds the capacity of normal medical resources, facilities, and  
5 personnel. Disaster medicine may include implementing patient care guidelines that depart from recognized  
6 nondisaster triage and standard treatment patient care guidelines determining the order of evacuation and  
7 treatment of persons needing care.

8 (7) "Division" means the division of disaster and emergency services of the department.

9 (8) "Emergency" means the imminent threat of a disaster causing immediate peril to life or property  
10 that timely action can avert or minimize.

11 (9) (a) "Incident" means an event or occurrence, caused by either an individual or by natural  
12 phenomena, requiring action by disaster and emergency services personnel to prevent or minimize loss of life  
13 or damage to property or natural resources. The term includes the imminent threat of an emergency.

14 (b) The term does not include a state of emergency or disaster declared by the governor pursuant to  
15 10-3-302 or 10-3-303.

16 (10) "Political subdivision" means any county, city, town, or other legally constituted unit of local  
17 government in this state.

18 (11) "Principal executive officer" means the mayor, presiding officer of the county commissioners, or  
19 other chief executive officer of a political subdivision.

20 (12) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile  
21 homes, or other readily fabricated dwellings.

22 (13) "Tribal government" means the government of a federally recognized Indian tribe within the state  
23 of Montana.

24 (14) "Type-3 all-hazard incident management team" means a team that includes any combination of  
25 personnel representing local, state, or tribal entities that has been established by the state emergency response  
26 commission provided for in 10-3-1204 for the purpose of incident management and is not intended to respond  
27 to emergencies that are fire-related, but rather is reserved for the mitigation of other types of incidents to ensure  
28 that the state has the capacity and education to respond to incidents that are not fire-related.

1           ~~(14)~~(15) "Volunteer professional" means an individual with an active, unrestricted license to practice a  
2 profession under the provisions of Title 37, Title 50, or the laws of another state."

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4           **Section 2.** Section 10-3-1204, MCA, is amended to read:

5           **"10-3-1204. State emergency response commission -- members -- duties -- establishment of**  
6 **incident response and incident management teams.** (1) There is a state emergency response commission  
7 that is attached to the department for administrative purposes. The commission consists of 29 members  
8 appointed by the governor. The commission must include representatives of the national guard, the air force,  
9 the department of environmental quality, the division, the department of transportation, the department of  
10 justice, the department of natural resources and conservation, the department of public health and human  
11 services, a fire service association, the fire services training school, the emergency medical services and  
12 trauma systems section of the public health and safety division in the department of public health and human  
13 services, the department of fish, wildlife, and parks, the department of agriculture, Montana hospitals, an  
14 emergency medical services association, a law enforcement association, an emergency management  
15 association, a public health-related association, a trucking association, a utility company doing business in  
16 Montana, a railroad company doing business in Montana, Montana's petroleum industry, Montana's insurance  
17 industry, the university system, a tribal emergency response commission, the national weather service, the  
18 Montana association of counties, the Montana league of cities and towns, and the office of the governor. At  
19 least one representative must be a member of a local emergency planning committee. Members of the  
20 commission serve terms of 4 years and may be reappointed. The members shall serve without compensation.  
21 The governor shall appoint two presiding officers from the appointees, who shall act as copresiding officers.

22           (2) The commission shall implement the provisions of this part. The commission may create and  
23 implement a state hazardous material incident response team to respond to hazardous material incidents. The  
24 members of the team must be certified in accordance with the plan.

25           (3) The commission may enter into written agreements with each entity or person providing  
26 equipment or services to the state hazardous material incident response team.

27           (4) The commission or its designee may direct that the state hazardous material incident response  
28 team be available and respond, when requested by a local emergency response authority, to hazardous

1 material incidents according to the plan.

2 (5) The commission may contract with persons to meet state emergency response needs for the state  
3 hazardous material incident response team.

4 (6) The commission may advise, consult, cooperate, and enter into agreements with agencies of the  
5 state and federal government, other states and their state agencies, cities, counties, tribal governments, and  
6 other persons concerned with emergency response and matters relating to and arising out of incidents.

7 (7) The commission may encourage, participate in, or conduct studies, investigations, training,  
8 research, and demonstrations for and with the state hazardous material incident response team, local  
9 emergency responders, and other interested persons.

10 (8) The commission may collect and disseminate information relating to emergency response to  
11 incidents.

12 (9) The commission may accept and administer grants, gifts, or other funds, conditional or otherwise,  
13 made to the state for emergency response activities provided for in this part.

14 (10) The commission may prepare, coordinate, implement, and update a plan that coordinates state  
15 and local emergency authorities to respond to incidents within the state. The plan must be consistent with this  
16 part. All state emergency response responsibilities relating to an incident must be defined by the plan.

17 (11) The commission has the powers and duties of a state emergency response commission under the  
18 federal Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001, et seq., except that  
19 the division shall oversee the creation, annual local review, and exercise and revision of the local emergency  
20 operations plan as provided by state law.

21 (12) The commission shall promulgate rules and procedures limited to cost recovery procedures,  
22 certification of state hazardous material incident response team members and all-hazard incident management  
23 assistance team members, and deployment of the state hazardous material incident response team and all-  
24 hazard incident management assistance teams, which must be a part of the plan.

25 (13) The commission shall act as an all-hazard advisory board to the division by:

26 (a) assisting the division in carrying out its responsibilities by providing the division with  
27 recommendations on issues pertaining to all-hazard emergency management;

28 (b) authorizing the establishment of subcommittees to develop and provide the recommendations

1 called for in subsection (13)(a); and

2 (c) establishing all-hazard incident management assistance teams, including type-3 all-hazard  
3 incident management teams.

4 (14) The commission shall appoint the members of the Montana intrastate mutual aid committee  
5 provided for in 10-3-904.

6 (15) All state agencies and institutions shall cooperate with the commission in the commission's efforts  
7 to carry out its duties under this part."

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9 **Section 3.** Section 10-3-1207, MCA, is amended to read:

10 **"10-3-1207. Commission budget and expenditures.** (1) The commission shall submit its budget to  
11 the division.

12 (2) The commission shall expend any funds appropriated to it in the following priority:

13 (a) training and education activities for type-3 all-hazard incident management teams, up to \$10,000  
14 for each biennium;

15 ~~(a)(b)~~ payment of workers' compensation premiums for coverage of state hazardous material incident  
16 response team members;

17 ~~(b)(c)~~ training activities for the state hazardous material incident response team;

18 ~~(c)(d)~~ equal payments to each hazardous material incident response team as compensation for duties  
19 established in the plan; and

20 ~~(d)(e)~~ any remaining funds to be used at the discretion of the commission for programs related to the  
21 plan."

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23 NEW SECTION. **Section 4. Appropriation.** There is appropriated \$10,000 from the general fund to  
24 the division of emergency services for the biennium beginning July 1, 2021, to provide training and education  
25 activities for type-3 all-hazard incident management teams as provided in 10-3-1207.

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